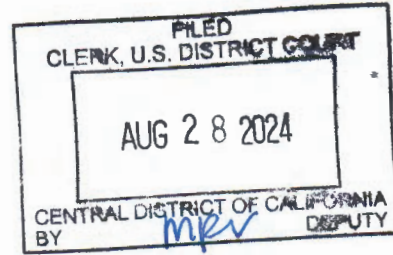


Brian Patrick Durning  
Inmate Reg. No. 07785-510  
Federal Correctional Institution  
Fort Dix  
P.O. Box 2000  
Joint Base MDL, NJ 08640

Defendant Pro Se



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Z.B., et al.,

Plaintiffs;

vs.

Delta Airlines, Inc., et al.

Defendants.

CASE NO. ~~2:22-24-~~ 24-cv-06190-FLA-DFM

DEFENDANT DURNING'S MOTION TO VACATE  
AND RESET SCHEDULING CONFERENCE

Brian Patrick Durning, Defendant pro se, respectfully requests the Court Vacate and Reset the above captioned case's scheduling conference ordered in ECF No. 17. Because Durning is just entering an appearance and he is incarcerated at the Federal Correctional Institution at Fort Dix, he and Plaintiff's counsel have not been able to confer as directed by Rule 26 of the Federal Rules of Civil Procedure. As a result, the requisite Joint Status Report and discovery plan will be impossible to generate in time. Moreover, Defendant Durning will not be able to attend, even telephonically, without an express order from this Court ordering the Federal Bureau of Prisons, Federal Correctional Institution, Fort Dix, Warden Rachel Thompson to make me telephonically available. The Federal Bureau of Prisons is critically understaffed and, as far as he understands it, will not accommodate civil case requests for pro se defendant appearances without a judicial order. Durning will also be filing a motion for such an order and a proposed order for the Court's consideration. Defendant Durning is not seeking this vacatur to unreasonably delay the proceedings or to prejudice any of the parties. Given this is the second removal to Federal Court in as many months, there is no discernible prejudice that the parties will suffer by resetting the Scheduling Conference.

WHEREFORE, Brian Patrick Durning, Defendant Pro Se, respectfully requests the Court GRANT this Motion, Vacate the current Scheduling Conference, which is set for September 6, 2024, and reset the Conference to a date that will reasonably permit counsel and Defendant Durning to engage in some form of communication to develop a Joint Scheduling Report and Discovery Plan.

Dated: 8/22/24

Respectfully Submitted,

Brian Patrick Durning

Z.B., et al.,

Plaintiffs;

vs.

Delta Airlines, Inc., et al.

Defendants.

CASE NO. ~~2:22-24~~ 24-cv-06190-FLA-DFM

DEFENDANT DURNING'S MOTION TO VACATE  
AND RESET SCHEDULING CONFERENCE

Proof of Service

PROOF OF SERVICE

I, the undersigned, am over the age of 18 years and not a party to the within action. My personal address is P.O. Box 2000, Joint Base MDL, NJ 08640.

On 8/22, 2024, I caused to be served the following document(s) as follows:

1. Defendant Durning's Motion to Vacate Scheduling Conference

by depositing, in the federal institution's internal mailing system for delivery to the United States Post Office, an envelope addressed to counsel of record for each of the parties, with sufficient postage prepaid, and addressed as follows:

ATTORNEYS FOR PLAINTIFFS

Lewis Baach Khaufmann Middlemiss PLLC  
Jessica R. Lobis Buckwalter  
1050 K Street, NW, Suite 400  
Washington, DC 20001

Agnifilo Law Group, APC  
Karen Agnifilo  
256 5th Ave.  
New York, NY 10001

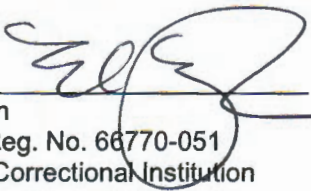
De Castro Law Group, P.C.  
Jose-Manuel A. de Castro  
7590 N. Glenoaks Blvd., Suite 201  
Los Angeles, CA 91504

ATTORNEYS FOR DELTA

Kathryn A. Grace  
Nicole T. Melvani  
8444 Westpark Drive, Suite 510  
McLean, VA 22102-5102

Dated: 8/22/24

By:

  
Erik Khan  
Inmate Reg. No. 66770-051  
Federal Correctional Institution  
Fort Dix  
P.O. Box 2000  
Joint Base MDL, NJ 08640

Brian Patricia Auning #07785-870

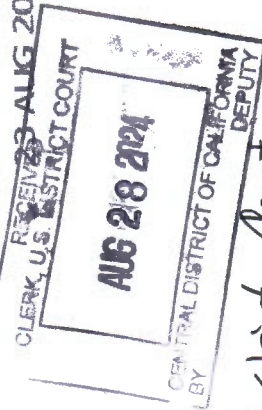
FCI Fort Dix

PO BOX 2000

4B MDL, NT 08640

TRENTON NJ 085

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U.S. District Court

Attn: Clerk's Office

312 North Spring Street

Room 6-8

Los Angeles, CA 90012-4701

90012-470199



